

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Roanoke Division

TRAVIS WAYNE TOLLEY

Plaintiff,

V.

ALAN W. BUZZARD, et al.,

Defendants.

$$\begin{array}{c}) \\) \\) \\) \\) \\) \\) \\) \end{array}$$

Civil Action No. 7:19-cv-00863-EKD-JCH

MOTION TO DISMISS

Defendant, Virginia State Police Special Agent Ben Caldwell, by counsel, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, moves to dismiss all claims because Plaintiff's Third Amended Complaint (ECF No. 69) fails to state a claim upon which relief may be granted. For the reasons set forth in the accompanying Memorandum in Support of Motion to Dismiss, Defendant respectfully requests that the Third Amended Complaint be dismissed.

Respectfully submitted,

BEN CALDWELL

By /s/ Calvin C. Brown

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CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of November, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send a notification of such filing (NEF) to all counsel of record.

/s/ Calvin C. Brown
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